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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------------|------------------|
| 10/821,873   | 04/12/2004  | Robert Paul Linse    | 003709.00003                     | 1801             |
| 22907 7590 03/08/2007<br>BANNER & WITCOFF, LTD.<br>1100 13th STREET, N.W.<br>SUITE 1200<br>WASHINGTON, DC 20005-4051 |             |                      | EXAMINER<br>PLUMMER, ELIZABETH A |                  |
|  |             |                      | ART UNIT<br>3635                 | PAPER NUMBER     |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/08/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/821,873

Applicant(s)

LINSE, ROBERT PAUL

Examiner

Elizabeth A. Plummer

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 9-11, 15, 25-27 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-14, 16-24, and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/05/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first Office action on the merits for application serial number 10/821,873 filed 04/12/2004. Applicant's Response to the Election/Restriction requirement received 01/31/2007 has been entered. In view of Applicant's election of Fig. 5, drawn to a support stand including a base with an L-shaped cross section and two support members, claims 1-8, 12-14, 16-24 and 28 have been examined.

### ***Claim Objections***

1. Claims 1-8, 12-14, 16-24 and 28 are objected to because of the following informalities:
2. Regarding claim 1, the language between the preamble and portions of the body of the claim are inconsistent. For example, the preamble of the claim 1 sets for the subcombination "support assembly"; however, lines 6-7 and 8-9 of the claim recite "positioned to support the building" and "connecting to a portion of the building" which set forth a positive relationship between the support assembly and the building structure and thus appears to claim a combination. Clarification is required. For purposes of examination, this claim is being treated as a subcombination.
3. Regarding claim 3, the language between the preamble and portions of the body of the claim are inconsistent. For example, the preamble of the claim 1 sets for the subcombination "support assembly"; however, line 3 of claim 3 recites "connecting said support members to the building" which sets forth a positive relationship between the support assembly and the building structure and thus appears to claim a combination.

Art Unit: 3635

Clarification is required. For purposes of examination, this claim is being treated as a subcombination.

4. Claim 13 recites the limitation "said turnbuckle" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Regarding claim 16, the language between the preamble and portions of the body of the claim are inconsistent. For example, the preamble of claim 16 sets for the subcombination "system"; however, line 4 of the claim recites "outside the channel of the footing" which sets forth a positive relationship between the system and the footing and thus appears to claim a combination. Clarification is required. For purposes of examination, this claim is being treated as a subcombination.

6. Regarding claim 17, the language between the preamble and portions of the body of the claim are inconsistent. For example, the preamble of claim 16 sets for the subcombination "system"; however, lines 2-3 of claim 17 recites "is supporting the factory built building" which sets forth a positive relationship between the system and the building and thus appears to claim a combination. Clarification is required. For purposes of examination, this claim is being treated as a subcombination.

7. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3635

9. Claims 1-6 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyares et al. (US Patent 4,937,989).

a. Regarding claim 1, Miyares et al. discloses a support assembly capable of cooperating with a footing to support a factory build building, comprising a base (24) having a first portion capable of engaging a footing member (Fig. 1), a plurality of support members (23) secured to the base, said support members extending from the base such that each of the support members defining the supporting assembly extend within a common vertical plane when the support assembly is vertically positioned to support a beam (30) (Fig. 1), and a member (9) operatively secured to the support members (Fig. 1) and capable of connecting to a portion of a building.

b. Regarding claim 2, the support members (23) extend from the base at an angle relative to the base such that the support members converge toward each other along their length (Fig. 1).

c. Regarding claim 3, the support members include a first terminal end secured to the base (24) and a second terminal end secured to an apparatus (9,21,22) that receives said member (9) capable of connecting the support members to a building (Fig. 1).

d. Regarding claim 4, the support members include a first terminal end secured to the base (24) and a second terminal end secure to a vertically extending main support member (21) (Fig. 1).

Art Unit: 3635

e. Regarding claim 5, the main support member (21) is secured to an apparatus (9) capable of receiving the member for connecting the support members to a building (Fig. 1).

f. Regarding claim 6, the support members are formed of an angle shaped material (Fig. 1).

g. Regarding claim 12, the apparatus (9,21,22) comprises a bushing (22) and said member for connecting said support members to the building includes a threaded member (21) received within the bushing (Fig. 2).

h. Regarding claim 13, a turnbuckle is secure between the support members (Fig. 1,2).

10. Claims 1-5, 12-14, 16-23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Younes (US Patent 5,118,217).

a. Regarding claim 1, Younes discloses a support assembly capable of cooperating with a footing to support a factory build building, comprising a base (59) having a first portion capable of engaging a footing member (Fig. 3), a plurality of support members (72,73) secured to the base, said support members extending from the base such that each of the support members defining the supporting assembly extend within a common vertical plane when the support assembly is vertically positioned to support a panel (30) (Fig. 3), and a member (L shaped angle bracket) operatively secured to the support members (Fig. 3) and capable of connecting to a portion of a building.

- b. Regarding claim 2, the support members (72,73) extend from the base at a ninety-degree angle relative to the base such that the support members converge toward each other along their length (Fig. 3).
- c. Regarding claim 3, the support members include a first terminal end secured to the base (59) and a second terminal end secured to an apparatus (72, 73, L shaped angle bracket) that receives said member (L shaped angle bracket) capable of connecting the support members to a building (Fig. 3).
- d. Regarding claim 4, the support members include a first terminal end secured to the base (59) and a second terminal end secure to a vertically extending main support member (L shaped angle bracket) (Fig. 3).
- e. Regarding claim 5, the main support member (L shaped angle bracket) is secure to an apparatus (bolt of L shaped angle bracket) capable of receiving the member for connecting the support members to a building (Fig. 3).
- f. Regarding claim 12, the apparatus (72,73, L shaped angle bracket) comprises a bushing and said member for connecting said support members to the building includes a threaded member received within the bushing (Fig. 3).
- g. Regarding claim 13, a turnbuckle is secure between the support members (Fig. 3).
- h. Regarding claim 14, the support assembly includes two support members (72,73).
- i. Regarding claim 16, Younes discloses a system capable of supporting a factory build building, the system comprising a support assembly comprising a

support standing including a base (59) having a first elongated portion (60) capable of extending into a channel in a footing and second elongated portion (18) extending at an angle to the first portion and outside a channel, and a plurality of support members (72,73) secured to the base, the support members converging toward each other along their length (Fig. 3).

j. Regarding claim 17, the support members extend in a common vertical plane when the support assembly is in position to support something (Fig. 3).

k. Regarding claim 18, the support members include a first terminal end secured to the base (59) and a second terminal end secured to an apparatus (72, 73, L shaped angle bracket) that receives said member (L shaped angle bracket) capable of connecting the support members to a building (Fig. 3).

l. Regarding claim 19, the apparatus comprise a turnbuckle and the member capable of connecting the support members to a building includes a threaded member received within the turnbuckle (Fig. 3).

m. Regarding claim 20, the turnbuckle is secure between support members (Fig. 3).

n. Regarding claim 21, the support members include a first terminal end secured to the base (59) and a second terminal end secure to a vertically extending main support member (L shaped angle bracket) (Fig. 3).

o. Regarding claim 22, the main support member (L shaped angle bracket) is secure to an apparatus (bolt of L shaped angle bracket) capable of receiving the member for connecting the support members to a building (Fig. 3).



p. Regarding claim 23, support assembly includes two support members (72,73).

11. Claims 1, 6, 16 and 23 rejected under 35 U.S.C. 102(b) as being anticipated by Kimball (US Patent 3,154,833).

a. Regarding claim 1, Kimball discloses a support assembly capable of cooperating with a footing to support a factory build building, comprising a base (24) having a first portion capable of engaging a footing member (Fig. 3), a plurality of support members (upper middle 17s) secured to the base, said support members extending from the base such that each of the support members defining the supporting assembly extend within a common vertical plane when the support assembly is vertically positioned to support a panel (30) (Fig. 3), and a member (23) operatively secured to the support members (Fig. 3,6) and capable of connecting to a portion of a building.

b. Regarding claim 16, Kimball discloses a system capable of supporting a factory build building, the system comprising a support assembly comprising a support standing including a base (24) having a first elongated portion capable of extending into a channel in a footing and second elongated portion (26) extending at an angle to the first portion and outside a channel, and a plurality of support members (upper middle 17s) secured to the base, the support members converging toward each other along their length (Fig. 3).

c. Regarding claims 6 and 23, the support members (upper middle 17s) are tubular shaped material (Fig. 3).

Art Unit: 3635

12. Claims 1, 7-8, 16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher (US Patent 4,010,617).

a. Regarding claim 1, Fisher discloses a support assembly capable of cooperating with a footing to support a factory build building, comprising a base (11) having a first portion capable of engaging a footing member (40) (Fig. 1,2), a plurality of support members (1) secured to the base, said support members extending from the base such that each of the support members defining the supporting assembly extend within a common vertical plane when the support assembly is vertically positioned it is capable of supporting a building (Fig. 1,2), and a member (opposite 11) operatively secured to the support members (Fig. 1) and capable of connecting to a portion of a building.

b. Regarding claim 7, the base has a first portion (the bottom) capable of being positioned within a footing and a second portion (extending side) capable of extending over an outer surface of a footing (Fig. 2).

d. Regarding claim 8, the base has a substantially L-shaped cross section (Fig. 2,3 4,5,6,7).

d. Regarding claim 16, Fisher discloses a system capable of supporting a factory build building, the system comprising a support assembly comprising a support standing including a base (11) having a first elongated portion capable of extending into a channel in a footing and second elongated portion extending at an angle to the first portion and capable of being outside the channel of the footing (Fig. 1,2,6), and a plurality of support members (11) secured to the base

Art Unit: 3635

(Fig. 3), the support members converging toward each other along their length (Fig. 5).

e. Regarding claim 24, the base has a substantially L-shaped cross section (Fig. 2,3,4,5,6,7).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

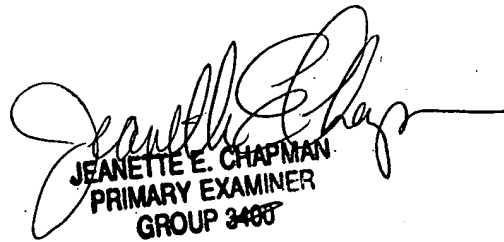
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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